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6                   IN THE UNITED STATES DISTRICT COURT  
7                   FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8                   SAN FRANCISCO AND OAKLAND DIVISION

9                   THOMAS FERNANDEZ, LORA SMITH,  
10                  and TOSHA THOMAS, individually and on  
11                  behalf of a class of all other persons similarly  
12                  situated, ) Case No. C-06-07339 CW  
13                  Plaintiffs, )  
14                  vs. )  
15                  K-M INDUSTRIES HOLDING CO., INC.; )  
16                  K-M INDUSTRIES HOLDING CO., INC. )  
17                  ESOP PLAN COMMITTEE; WILLIAM E. )  
18                  AND DESIREE B. MOORE REVOCABLE )  
19                  TRUST; TRUSTEES OF THE WILLIAM E. )  
20                  AND DESIREE B. MOORE REVOCABLE )  
21                  TRUST; CIG ESOP PLAN COMMITTEE; )  
22                  NORTH STAR TRUST COMPANY; )  
23                  DESIREE B. MOORE REVOCABLE )  
24                  TRUST; WILLIAM E. MOORE MARITAL )  
25                  TRUST; WILLIAM E. MOORE )  
26                  GENERATION-SKIPPING TRUST; and )  
27                  DESIREE MOORE, BOTH IN HER )  
28                  INDIVIDUAL CAPACITY AND AS )  
29                  TRUSTEE OF THE WILLIAM E. AND )  
30                  DESIREE B. MOORE REVOCABLE )  
31                  TRUST'S SUCCESSOR TRUSTS NAMED )  
32                  ABOVE, )  
33                  Defendants.)

34                  WHEREAS, Defendants filed motions for summary judgment on June 26, 2008, noticing the  
35                  motions for hearing on July 31, 2008;

36                  WHEREAS, the motions are now fully briefed;

1 WHEREAS, the parties have agreed to a private mediation on August 18, 2008;

2 Accordingly IT IS HEREBY AGREED AND STIPULATED by the parties through their  
3 counsel of record, as follows:

- 4 1. The parties request that Defendants' motions for summary judgment shall be re-  
5 noticed for September 11, 2008;  
6 2. The parties request that the Court extend the deadline for hearing on motions for  
7 summary judgment on the statute of limitations from July 31, 2008 until September  
8 11, 2008.

9 Dated: July 17, 2008

LOVITT & HANNAN, INC.

10 By:

/s/

Ronald Lovitt

11 *Attorneys for Defendant K-M Industries  
12 Holding Co., Inc.; K-M Industries Holding Co.,  
13 Inc. ESOP Plan Committee; and CIG ESOP  
14 Plan Committee*

Dated: July 17, 2008

HENNIGAN, BENNETT & DORMAN LLP

15 By:

/s/

J. Michael Hennigan

16 *Attorneys for Defendant William E. and Desiree  
17 B. Moore Revocable Trust; Desiree B. Moore  
18 Revocable Trust; William E. Moore Marital  
19 Trust; William E. and Desiree B. Moore  
Revocable Trust Generation-Skipping Trust;  
and Desiree Moore*

Dated: July 17, 2008

MORGAN, LEWIS & BOCKIUS LLP

21 By:

/s/

Nicole Diller

22 *Attorneys for Defendant North Star Trust  
23 Company*

1 Dated: July 17, 2008

2  
3 LEWIS, FEINBERG, LEE,  
4 RENAKER & JACKSON, P.C.  
5

6  
7 By: /s/  
8 Todd Jackson  
9 Attorneys for Plaintiffs  
10 and the Class  
11

12 IT IS SO ORDERED.  
13

14 Dated: \_\_\_\_\_  
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16 Hon. Claudia Wilken  
17 United States District Judge,  
18 Northern District of California  
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